



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

December 8, 2005

Francisco A. Gonzale, H/C
4 Henry Drive
New Milford, CT 06776

Re: Memorandum of Decision
Petition No. 2004-0209-025-002
License No. 003845

Dear Mr. Gonzales:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective December 8, 2005.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Memorandum of Decision.

Please be certain to retain this letter as documented proof that you have completed your license probation.

Thank you for your cooperation during this process.

Respectfully,

A handwritten signature in black ink, appearing to read "Olive Tronchin", with a long horizontal line extending to the right.

Olive Tronchin, HPA
Office of Practitioner Licensing and Investigation



Phone: (860) 509-7400
Telephone Device for the Deaf (860) 509-7191
410 Capitol Avenue - MS # 12HSR
P.O. Box 340308 Hartford, CT 06134
An Equal Opportunity Employer

**STATE OF CONNECTICUT
CONNECTICUT EXAMINING BOARD FOR BARBERS,
HAIRDRESSERS AND COSMETICIANS**

Francisco Gonzales

Petition No. 2004-0209-025-002

MEMORANDUM OF DECISION
Procedural Background

The Department of Public Health ("the Department") presented the Connecticut Examining Board for Barbers, Hairdressers and Cosmeticians ("the Board") with a Statement of Charges ("the Charges") brought against Francisco Gonzales ("respondent") dated August 27, 2004. Board Exh. 1. The Charges and Notice of Hearing were sent to respondent via first class and certified mail on October 6, 2004. The Notice of Hearing notified respondent that the hearing would be held before the Board on October 25, 2004. Board Exh. 1. The Notice of Rescheduled Hearing notified respondent that the hearing had been rescheduled to January 24, 2005 and was sent to respondent via first class and certified mail on December 6, 2004. Board Exh. 2.

The hearing in this matter convened on January 24, 2005. Joelle Newton, Esq. represented the Department. Mr. Gonzales appeared *pro se*.

At the hearing, the respondent admitted the Charges. Tr. 1/24/05 p. 14. All Board members involved in this decision attest that they have heard the case or read the record in its entirety. This decision is based entirely on the record. To the extent that the findings of fact actually represent conclusions of law, they should be so considered, and vice versa. *SAS Inst., Inc. v. S&H. Computer Systems, Inc.*, 605 F.Supp. 816 (M.D. Tenn. 1985).

Allegations

1. While the Charges allege that respondent holds a license as a hairdresser and cosmetician, the Department amended the charges during the hearing to state that respondent is the holder of Connecticut barber license number 003845.
2. In paragraph 2 of the Charges, the Department alleges that in 2003 respondent operated Downtown Cut Connection in Danbury.

3. In paragraph 2 of the Charges, the Department alleges that in 2003, respondent employed three unlicensed hairdressers.
4. In paragraph 3 of the Charges, the Department alleges that the above-described facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes §§ 20-257 and 20-263.¹

Findings of Fact

1. Respondent is the holder of Connecticut barber license number 003845. Board Exh. 1. Dept. Exh. A.
2. Respondent is the owner and manager of Downtown Cut Connection in Danbury. Board. Exh. 1. Tr. 1/24/05 pp. 12, 15.
3. In 2003, respondent employed three unlicensed persons, Diony Espinal, Adam Stout, and Sean Scott, to cut hair at Downtown Cut Connection. Tr. 1/24/05 pp.11-13.

Discussion and Conclusions of Law

The Department bears the burden of proof by a preponderance of the evidence in this matter. *Steadman v. Securities and Exchange Commission*, 450 U.S. 91, 101 S.Ct. 999, *reh'g denied*, 451 U.S. 933 (1981); *Swiller v. Commissioner of Public Health*, CV 950705601, Superior Court, J.D. Hartford/New Britain at Hartford, Memorandum filed October 10, 1995.

§ 19a-10 of the Connecticut General Statutes provides in pertinent part, “[Boards] may conduct hearings on any matter within their statutory jurisdiction. Such hearings shall be conducted in accordance with Chapter 54 and the regulations established by the Commissioner of Public Health.” As provided in Section 19a-14a(9), the Board of Examiners for Barbers and Hairdressers and Cosmeticians is authorized to conduct a hearing relating to the allegations as set forth in the Charges against Francisco Gonzales, barber.

¹ During the hearing, the Department amended the charges to accurately reflect that respondent is the holder of a Connecticut barber license. Therefore, the correct allegation is that respondents’ conduct constitutes grounds for disciplinary action pursuant to Connecticut General Statutes §§ 20-238 and 20-249.

§ 20-249 of the Connecticut General Statutes prohibits licensees from employing unlicensed persons. Respondent is a licensed barber. He admits that he operated Downtown Cut Connection in Danbury and employed three unlicensed persons, Diony Espinal, Adam Stout, and Sean Scott, to cut hair. Thus, respondent is subject to the disciplinary action pursuant to §§ 20-238 and 20-249.

Order

Pursuant to the authority vested in it by §§ 19a-17 and 20-238 of the Connecticut General Statutes, the Board orders:

Respondent shall pay a civil penalty of one thousand five hundred dollars (\$1500.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable within ninety (90) days of the effective date of this Decision, and shall be sent to:

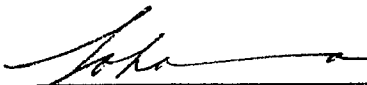
**DEPARTMENT OF PUBLIC HEALTH
DIVISION OF HEALTH SYSTEMS REGULATION**

Bonnie Pinkerton, Nurse Consultant
410 Capitol Avenue, MS # 12HSR
P.O. Box 340308
Hartford, CT 06134-0308

Connecticut Examining Board for
Barbers, Hairdressers and Cosmeticians

8/29/05

Date


By: Johanna Najamy, Chairperson